

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 16, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIAN ESPINDOLA,

Defendant.

No. 4:23-CR-06016-SAB-1

ORDER DENYING DEFENDANT'S  
MOTION TO MODIFY CONDITIONS  
OF RELEASE

**ECF No. 29**

On Monday, December 18, 2023, the Court conducted a hearing on Defendant's Motion to Modify Conditions of Release (ECF No. 29). Defendant was represented by Assistant Federal Defender Alex B. Hernandez III. Assistant United States Attorney Todd Swensen represented the United States.

Defendant requests that the Court modify Special Condition Nos. 3, 8, and 9 so that he may communicate with Kimberly Delgado and no longer participate in GPS monitoring. ECF No. 29. The United States Attorney's Office and the United States Probation/Pretrial Services Office both object to Defendant's request. *Id.*

1 The Court released Defendant following a detention hearing on May 5,  
2 2023, but noted

3 Defendant is charged with being a felon in possession of a firearm and  
4 ammunition. Specifically, it is alleged that on March 23, 2023, Pasco  
5 Police responded to a report of loud banging and screaming coming  
6 from Defendant's apartment. Upon arrival, *officers could hear*  
7 *Defendant's girlfriend screaming, and she thereafter informed the*  
8 *officers that she and Defendant had been arguing all day, culminating*  
9 *in her decision to leave the apartment. At that time, however,*  
10 *Defendant blocked her vehicle with his pickup truck, preventing her*  
11 *from leaving.* At some point during the investigation, Defendant  
12 emerged from a broken window, through which officers observed an  
13 AR-15 style rifle and accompanying box of ammunition. Officers  
also observed an additional box of ammunition through the rear  
window of Defendant's truck. *After obtaining a search warrant,*  
*officers seized a Palmetto Armory AR-15 style rifle with a fully-loaded*  
*40-round magazine, multiple AR-15 magazines and ammunition, and*  
*an additional high-capacity magazine.* The 40-round magazine is a  
dangerous novelty, as it renders the rifle unwieldy and serves no  
discernible tactical or sporting purpose. The Court notes that these  
items were seized and this indictment returned while Defendant was  
under conditions of probation that he received on his prior federal  
conviction.

14 ECF No. 21 at 3 (emphasis added). In light of Defendant's attempts to block Ms.  
15 Delgado's vehicle and his possession of an AR-15 rifle with a 40-round  
16 magazine—the latter being an unwieldy accessory that virtually eliminates any  
17 practical or lawful use for the rifle—the Court still harbors concerns regarding  
18 community safety in general, as well as an acute concern for the safety of Ms.  
19 Delgado. Furthermore, given Defendant's pretrial and probation violations, the  
20 Court believes that GPS monitoring is necessary to insure Defendant's continued

1 compliance with the conditions of his release in this matter. *See* Case No. 4:20-cr-  
2 06022-SAB-1, ECF Nos. 41, 48, 67, 79, 87.

3 Accordingly, **IT IS ORDERED:**

4 1. Defendant's Motion to Modify Conditions of Release (**ECF No. 29**) is  
5 **DENIED.**

6 **IT IS SO ORDERED.**

7 DATED January 16, 2024.



A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is positioned above a horizontal line.

ALEXANDER C. EKSTROM  
UNITED STATES MAGISTRATE JUDGE